

However, we may grant a discretionary stay of a monetary judgment pending appeal. *See* Fed. R. App. P. 8(a)(2). In the absence of a bond, the following factors apply to a motion for a stay:

(1) whether the applicant has a strong or substantial likelihood of success on the merits; (2) whether

he will suffer irreparable harm if the motion is not granted; (3) whether the requested injunctive relief will substantially injure other interested parties; and (4) where the public interest lies. *See Grutter v. Bollinger*, 247 F.3d 631, 632 (6th Cir. 2001) (order). Boland bears the burden of demonstrating that a stay is warranted without the posting of a supersedeas bond as contemplated by Rule 62(d). *See Poplar Grove Planting and Refining Co. v. Bache Halsey Stuart, Inc.*, 600 F.2d 1189, 1191 (5th Cir. 1979).

The district court denied a discretionary stay on the ground that the plaintiffs were likely to be prejudiced because Boland appeared to lack the financial resources to pay the \$300,000 judgment. Before this court, Boland asserts that posting a bond is “impracticable.” He argues that the plaintiffs’ collection efforts will significantly hamper his business. If Boland has sufficient resources to post a bond, he should do so in order to stay the collection efforts. If he is unable to post a bond, the plaintiffs face a substantial risk that they will be unable to enforce the judgment if we issue a stay pending appeal. Boland argues that he has a likelihood of success on the merits. Under the circumstances of the instant case, this factor does not outweigh the balance of the harm in favor of the plaintiffs.

The emergency motion for a stay without bond pending appeal is **DENIED**.

ENTERED BY ORDER OF THE COURT



Clerk